

Kerala Gazette No. 20 dated 15th May 2012.

PART II



SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 2280/Legn.1/2012/Leg.

Dated, Thiruvananthapuram, 15th May 2012.

The Kerala High Court (Amendment) Bill, 2012 together with the Statement of Object and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

P. K. MURALEEDHARAN,

*Secretary-in-charge,
Legislative Assembly.*

Thirteenth Kerala Legislative Assembly
Bill No. 91

THE KERALA HIGH COURT (AMENDMENT)

BILL, 2012

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further to amend the Kerala High Court Act, 1958.

Preamble.—WHEREAS, it is expedient further to amend the Kerala High Court Act, 1958, for the purposes hereinafter appearing;

BE it enacted in the Sixty-third year of the Republic of India, as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala High Court (Amendment) Act, 2012.

(2) It shall come into force at once.

2. *Amendment of section 3.*—In the Kerala High Court Act, 1958 (5 of 1959), in clause (13), of section 3,—

(a) in sub-clause (b), for the words “one lakh rupees” the words “ten lakh rupees” shall be substituted;

(b) after sub-clause (g), the following sub-clause shall be inserted, namely:—

“(h) from an award passed by the Motor Accidents Claims Tribunal”.

STATEMENT OF OBJECTS AND REASONS

Under sub-clause (b) of clause (13) of section 3 of the Kerala High Court Act, 1958, the power of the High Court to hear appeals from original decree or order in any suit or other proceedings, where the amount or value of the subject matter of the suit or other proceeding does not exceed one lakh rupees, can be exercised by the Single Judge of the High Court. The appellate pecuniary limit of the Single Judge was enhanced to the present one lakh rupees as early as in 1989 by the Kerala High Court (Amendment) Act, 1989 (36 of 1989).

2. The High Court has now proposed to enhance the appellate pecuniary jurisdiction of the Single Judge from the present one lakh rupees to ten lakh rupees, especially in view of the fact that the appellate pecuniary jurisdiction of the District Court was already enhanced to rupees two lakhs. High Court has also pointed out that at present appeals arising from the awards passed by the Motor Accidents Claims Tribunals, the valuation of which is above one lakh rupees, is heard by the Division Bench and hence it is proposed that the Single Judge shall be empowered to hear all appeals arising from the awards passed by the Motor Accidents Claims Tribunal, irrespective of the valuation of appeal.

3. Government have accepted the above said proposals and decided to enhance the appellate pecuniary jurisdiction of the Single Judge and to make the Single Judge competent to hear all appeals arising from the awards passed by the Motor Accidents Claims Tribunals, irrespective of the valuation of appeal, by making amendments to clause (13) of section 3 of the Kerala High Court Act, 1958.

4. The Bill is intended to achieve the above object.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure out of the Consolidated Fund of the State.

THIRUVANCHOOR RADHAKRISHNAN.
